



# STATE OF WISCONSIN Assembly Journal

## Ninety-Ninth Regular Session

12:15 P.M.

THURSDAY, March 26, 2009

The Assembly met in the Assembly Chamber located in the State Capitol.

Representative Danou in the chair.

Representative Nelson asked unanimous consent for a quorum call. Granted.

A quorum was present.

Speaker Pro Tempore Staskunas in the chair.

The prayer was offered by Monsignor Dan Ganshert from the Diocese of Madison.

Representative Ripp led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present – Representatives Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Kleefisch, Knodl, Kramer, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nelson, Nerison, Newcomer, Nygren, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Pridemore, Radcliffe, Rhoades, Richards, Ripp, Roth, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Strachota, Suder, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vos, Vruwink, Vukmir, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zigmunt, Zipperer and Speaker Sheridan – 97.

Absent with leave – Representatives Nass and Stone – 2.

Vacancies – None.

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### LEAVES OF ABSENCE

Representative Suder asked unanimous consent for a leave of absence for today's session for Representatives Nass and Stone. Granted.

### LEAVES OF ABSENCE

Representative Barca asked unanimous consent for a leave of absence for part of today's session for Representatives Fields, Grigsby and Young. Granted.

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### AMENDMENTS OFFERED

Assembly amendment 3 to Assembly substitute amendment 1 to **Assembly Bill 16** offered by Representative Nygren.

Assembly substitute amendment 1 to **Assembly Bill 20** offered by Representative Schneider.

Assembly amendment 1 to **Assembly Bill 29** offered by Representatives Schneider and Vruwink.

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### INTRODUCTION AND REFERENCE OF PROPOSALS

Read first time and referred:

#### **Assembly Bill 171**

Relating to: unlawful use of a global positioning device and providing a penalty.

By Representatives Kramer, Kessler and Schneider; cosponsored by Senator Erpenbach.

To committee on **Personal Privacy**.

#### **Assembly Bill 172**

Relating to: requiring instruction in public schools on the history of organized labor in America and the collective bargaining process.

By Representatives Jorgensen, Zepnick, Sinicki, Danou, Toles, Berceau, Grigsby, Smith, Hilgenberg, Spanbauer, Black, Parisi, Barca, Seidel, Sherman, Pocan, Nelson and Sheridan; cosponsored by Senators Hansen, Wirsch, Lehman, Decker, Plale, Taylor, Erpenbach and Kreitlow.

To committee on **Labor**.

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### MESSAGE FROM THE SENATE

From: Robert J. Marchant, Senate Chief Clerk.

Mr. Speaker:

I am directed to inform you that the Senate has

Passed and asks concurrence in:

**Senate Bill 51**

**REFERRAL OF AGENCY REPORTS**

State of Wisconsin  
Department of Corrections  
Madison

March 18, 2009

**SPEAKER'S APPOINTMENTS**

March 26, 2009

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 401  
Madison, WI 53703

Dear Chief Clerk Fuller:

I am making the following appointments to the following standing committee:

Committee on Aging and Long-Term Care  
Representative Peggy Krusick, Chair  
Representative Polly Williams, Vice Chair  
Representative Kelda Helen Roys  
Representative Mark Radcliffe  
Representative Kitty Rhoades  
Representative John Townsend  
Representative Kevin Petersen

These appointments are effective immediately.

Sincerely,  
*MICHAEL J. SHERIDAN*  
Assembly Speaker

**COMMUNICATIONS**

March 26, 2009

Patrick Fuller  
Assembly Chief Clerk  
17 West Main Street, Suite 401  
Madison, WI 53703

Dear Chief Clerk Fuller:

Please add my name as a co-sponsor of Assembly Joint Resolution 2, relating to eliminating the spring election (first consideration).

Sincerely,  
*ROBERT JAUCH*  
State Senator  
25th Senate District

To the Honorable, the Legislature:

The following information is provided for your consideration and review pursuant to § 301.03 (6m), Wisconsin Statutes. The figures below pertain to calendar year 2008.

1) There were sixty-three Chapter 51 mental health commitments within the Department of Corrections. Of these, twenty-one were initial commitments and forty-two were extensions of commitments from previous years.

Fifty-five of the sixty-three commitments were obtained at the Wisconsin Resource Center (male inmates). Of these, seventeen were initial commitments and thirty-eight were renewals of commitments from previous years.

Eight of the sixty-three commitments were obtained at Taycheedah Correctional Institution (female inmates). Of these, four were initial commitments and four were commitments from previous years.

After a Chapter 51 commitment, male inmates returned to the Wisconsin Resource Center (WRC) for further treatment. Average length of stay for WRC inmates was 372 days. Three male inmates were transferred from WRC to Mendota Mental Health Institute on an involuntary basis.

After a chapter 51 initial commitment, females were transferred to Winnebago Mental Health Institute (WMHI). For commitments, females remained at TCI. In addition, one female was transferred to WMHI and received treatment on a voluntary basis. Average length of stay for committed individuals was 20 days.

2) The total number of inmates who were treated with psychotropic medication in 2008 was 8,115. This number includes inmates who were incarcerated for short-term stays as well as long-term stays. The number of inmates who were treated with psychotropic medication on any specific date is estimated at approximately 4,700. Of these, the number treated on an involuntary basis was the same as the number of involuntary commitments (sixty-three). Major classes of medication included antidepressants, antipsychotics, and mood stabilizers.

3) Mental Health Services are available at all of the major institutions. Services include crisis intervention, individual counseling, and group therapy. Specific programs include sex offender treatment, anger management, domestic violence, substance abuse treatment, and cognitive interventions. Psychiatrists are available at all major institutions to provide evaluations for psychotropic medication and management of these medications. In addition, consultation is available from both psychologists and psychiatrists to evaluate competency to consent to psychotropic medication and/or medical treatment.

If you have any questions or need any further information, please let me know.

Sincerely,  
*RICK RAEMISCH*  
Secretary

Referred to committee on **Correction and the Courts**.

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## CALENDAR OF THURSDAY, MARCH 26

### **Assembly Joint Resolution 28**

Relating to: commemorating the 20th anniversary of the Lower Wisconsin State Riverway.

The question was: Shall **Assembly Joint Resolution 28** be adopted?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 28** be immediately messaged to the Senate. Granted.

Representative Grigsby asked unanimous consent that her leave of absence be lifted. Granted.

### **Assembly Joint Resolution 35**

Relating to: commending the Gundersen Lutheran Health System on being recognized as the first medical facility in the nation to achieve a top rating from the National Quality Measures for Breast Centers.

The question was: Shall **Assembly Joint Resolution 35** be adopted?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 35** be immediately messaged to the Senate. Granted.

Representative Young asked unanimous consent that his leave of absence be lifted. Granted.

### **Senate Joint Resolution 17**

Relating to: proclaiming March of every year as Irish–American Heritage Month.

The question was: Shall **Senate Joint Resolution 17** be concurred in?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 17** be immediately messaged to the Senate. Granted.

### **Senate Joint Resolution 19**

Relating to: declaring April 2009 Donate Life Month.

The question was: Shall **Senate Joint Resolution 19** be concurred in?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 19** be immediately messaged to the Senate. Granted.

### **Senate Joint Resolution 20**

Relating to: proclaiming the Week of the Young Child.

The question was: Shall **Senate Joint Resolution 20** be concurred in?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 20** be immediately messaged to the Senate. Granted.

### **Senate Joint Resolution 21**

Relating to: celebrating March 25, 2009, as the 188th anniversary of Greek independence.

The question was: Shall **Senate Joint Resolution 21** be concurred in?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Joint Resolution 21** be immediately messaged to the Senate. Granted.

Representative Fields asked unanimous consent that his leave of absence be lifted. Granted.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 34** be withdrawn from the committee on **Rules** and taken up at this time. Granted.

### **Assembly Joint Resolution 34**

Relating to: the life and public service of James A. McCann.

The question was: Shall **Assembly Joint Resolution 34** be adopted?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 34** be immediately messaged to the Senate. Granted.

### **Assembly Bill 43**

Relating to: designating portions of the Totogatic River as a wild river.

The question was: Shall **Assembly Bill 43** be ordered engrossed and read a third time?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 43** be given a third reading. Granted.

The question was: **Assembly Bill 43** having been read three times, shall the bill be passed?

The roll was taken.

The result follows:

Ayes – Representatives Ballweg, Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Brooks, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, J. Fitzgerald, Friske, Garthwaite, Gottlieb, Grigsby, Gunderson, Gundrum, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kerkman, Kessler, Kestell, Knodl, Krusick, LeMahieu, Lothian, Mason, Meyer, Milroy, Molepske Jr., Montgomery, Mursau, Murtha, Nelson, Nerison, A. Ott, J. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Radcliffe, Rhoades, Richards, Ripp, Roth, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Strachota, Tauchen, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vruwink, A. Williams, M. Williams, Wood, Young, Zepnick, Ziegelbauer, Zigmunt and Speaker Sheridan – 88.

Noes – Representatives Kleefisch, Kramer, Newcomer, Nygren, Pridemore, Suder, Vos, Vukmir and Zipperer – 9.

Absent or not voting – Representatives Nass and Stone – 2.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Assembly Bill 43** be immediately messaged to the Senate. Granted.

#### **Senate Bill 9**

Relating to: a tort action for intentional misrepresentation in a residential real estate transaction.

The question was: Shall **Senate Bill 9** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 9** be given a third reading. Granted.

The question was: **Senate Bill 9** having been read three times, shall the bill be concurred in?

The roll was taken.

The result follows:

Ayes – Representatives Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, Garthwaite, Gottlieb, Grigsby, Gunderson, Hebl, Hilgenberg, Hintz, Hixson, Hraychuck, Hubler, Huebsch, Jorgensen, Kaufert, Kessler, Krusick, Mason, Milroy, Molepske Jr., Montgomery, Nelson, Nerison, A. Ott, Parisi, Pasch, Petersen, Petrowski, Pocan, Pope–Roberts, Radcliffe, Rhoades, Richards, Ripp, Roth, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vruwink, A. Williams, Wood, Young, Zepnick, Zigmunt and Speaker Sheridan – 69.

Noes – Representatives Ballweg, Brooks, J. Fitzgerald, Friske, Gundrum, Honadel, Kerkman, Kestell, Kleefisch, Knodl, Kramer, LeMahieu, Lothian, Meyer, Mursau, Murtha, Newcomer, Nygren, J. Ott, Pridemore, Strachota, Suder,

Tauchen, Vos, Vukmir, M. Williams, Ziegelbauer and Zipperer – 28.

Absent or not voting – Representatives Nass and Stone – 2.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 9** be immediately messaged to the Senate. Granted.

#### **Senate Bill 12**

Relating to: the operation of motorboats, other than personal watercraft, at slow–no–wake speed within a given distance of the shoreline of a lake.

The question was: Shall Assembly amendment 1 to **Senate Bill 12** be adopted?

Motion carried.

The question was: Shall **Senate Bill 12** be ordered to a third reading?

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 12** be given a third reading. Granted.

The question was: **Senate Bill 12** having been read three times, shall the bill be concurred in as amended?

The roll was taken.

The result follows:

Ayes – Representatives Barca, Benedict, Berceau, Bernard Schaber, Bies, Black, Clark, Colon, Cullen, Danou, Davis, Dexter, Fields, Garthwaite, Gottlieb, Grigsby, Gunderson, Hebl, Hilgenberg, Hintz, Hixson, Honadel, Hraychuck, Hubler, Jorgensen, Kerkman, Kessler, Kestell, Knodl, Krusick, Lothian, Mason, Milroy, Molepske Jr., Montgomery, Nelson, A. Ott, J. Ott, Parisi, Pasch, Petersen, Pocan, Pope–Roberts, Richards, Ripp, Roys, Schneider, Seidel, Sherman, Shilling, Sinicki, Smith, Soletski, Spanbauer, Staskunas, Steinbrink, Strachota, Toles, Townsend, Turner, Van Akkeren, Van Roy, Vruwink, A. Williams, Wood, Young, Zepnick, Ziegelbauer, Zigmunt and Speaker Sheridan – 70.

Noes – Representatives Ballweg, Brooks, J. Fitzgerald, Friske, Gundrum, Huebsch, Kaufert, Kleefisch, Kramer, LeMahieu, Meyer, Mursau, Murtha, Nerison, Newcomer, Nygren, Petrowski, Pridemore, Radcliffe, Rhoades, Roth, Suder, Tauchen, Vos, Vukmir, M. Williams and Zipperer – 27.

Absent or not voting – Representatives Nass and Stone – 2.

Motion carried.

Representative Nelson asked unanimous consent that the rules be suspended and that **Senate Bill 12** be immediately messaged to the Senate. Granted.

## VISITORS

During today's session, the following visitors honored the Assembly by their presence and were welcomed by the presiding officer and the members:

Bob and Jack Spoden from Rock County, guests of Representative Sheridan.

Dane and Columbia County members of the Association of Wisconsin Snowmobile Clubs, guests of Representative Ripp.

Paul and Bonnie Babcock from Fort Atkinson, guests of Representative Jorgensen.

Gayle Jago, Dr. Richard Ellis and Emily Hiatt from Gundersen Lutheran Health System, guests of Representatives Shilling and Huebsch.

Norma J. Vinger from the Center for Breast Care, guest of Representatives Shilling and Huebsch.

Patty Brown, breast cancer survivor and community advocate, guest of Representatives Shilling and Huebsch.

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## ANNOUNCEMENTS

Representative Montgomery asked unanimous consent that the Assembly adjourn in memory of Donald Richard Behrendt from Allouez, who passed away on March 23. Granted.

Representative Gottlieb asked unanimous consent that the Assembly adjourn in honor of his staff person Denise Solie, on the occasion of her birthday today. Granted.

Representative Hixson asked unanimous consent that the Assembly adjourn in honor of Mary Beth Mackin for being named the top student judicial affairs officer in receipt of the Donald D. Gehring Award. Granted.

Representative Hixson asked unanimous consent that the Assembly adjourn in honor of the 40th anniversary of the University of Wisconsin-Whitewater Black Student Union,

whose mission it is to promote academic success, raise political, economic, social and cultural development and foster harmony and equality in the University of Wisconsin-Whitewater community. Granted.

Representative Kramer asked unanimous consent that the Assembly adjourn in honor of the taxpayers of the State of Wisconsin. Granted.

Representative Lothian asked unanimous consent that the Assembly adjourn in honor of the ProStart Culinary Arts Program at Badger High School in Lake Geneva, for their fourth straight win at the State Championship. Granted.

Representative Molepske, Jr. asked unanimous consent that the Assembly adjourn in honor of the Amherst High School Girls Basketball Team who won the WIAA Division III State Championship. Granted.

Representative Murtha asked unanimous consent that the Assembly adjourn in honor of the St. Croix Valley High School Girls Hockey Team who won the WIAA State Hockey Championship. Granted.

Representative Kessler asked unanimous consent that the Assembly adjourn in honor of the Milwaukee Vincent High School Girls Basketball team who won the WIAA Division I State Championship. Granted.

Representative Kaufert asked unanimous consent that the Assembly adjourn in honor of Neenah's St. Mary's Central High School Girls Basketball Team who won the WIAA Division IV State Championship. Granted.

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## ADJOURNMENT

Representative Nelson moved that the Assembly stand adjourned pursuant to **Senate Joint Resolution 1**.

The question was: Shall the Assembly stand adjourned?

Motion carried.

The Assembly stood adjourned.

1:14 P.M.